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UNITED STATES DISTRICT COURT  
for the  
DISTRICT OF NEW JERSEY

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DANIEL TRIPO,

CIVIL NO. 11-2050-FLW-DEA

Plaintiff,

-against-

**DECLARATION**

ROBERT WOOD JOHNSON MEDICAL CENTER,  
SYLVIANA BARSOUM, M.D., RENU CHHOKRA,  
M.D., and ARLEEN LAMBA, M.D..  
Defendants.

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ANTHONY A. LENZA, JR., an attorney duly admitted to practice  
law before the United States District Court for the District of  
New Jersey, hereby declares, pursuant to 28 U.S.C. § 1746, under  
penalty of perjury:

1. I am a member of the law firm of Amabile & Erman, P.C.,  
attorneys of record for plaintiff, DANIEL TRIPO.
2. I am fully familiar with the facts and circumstances of  
this action known to date.
3. This Declaration is respectfully submitted in  
opposition to defendant SYLVIANA BARSOUM, M.D., RENU CHHOKRA,  
M.D., and ARLEEN LAMBA, M.D.'s motion for summary judgment and in  
support of plaintiff's cross-motion for an Order granting leave

to file late notices of claim against defendants, SYLVIANA BARSOUM, M.D., RENU CHHOKRA, M.D., and ARLEEN LAMBA, M.D., pursuant to the New Jersey Tort Claims Act, N.J.S.A. 59:8-9 or in the alternative, deeming the late Notice of Claim served on August 9, 2011 timely served nunc pro tunc.

4. Attached hereto are plaintiff's Memorandum of Law and plaintiff's Statement and Counter-Statement of Material Facts.

5. A true and accurate copy of the Affidavit of Daniel Tripo is attached hereto as Exhibit "A".

6. Plaintiff retained my office on March 2, 2010 to investigate a potential medical malpractice case against Robert Wood Johnson Medical Center and the medical providers who rendered anesthesia services to plaintiff regarding his surgery on January 12, 2010.

7. On March 3, 2010, I mailed a request to Robert Wood Johnson Medical Center to obtain a copy of plaintiff's records. See correspondence attached hereto as Exhibit "B".

8. On May 19, 2010, I mailed a second request to Robert Wood Johnson Medical Center to obtain a copy of plaintiff's records. See correspondence attached hereto as Exhibit "B".

9. On August 30, 2010, my office received an invoice from Robert Wood Johnson Medical Center for duplication costs. See correspondence attached hereto as Exhibit "B".

10. On or about August 31, 2010, my office mailed payment to Robert Wood Johnson Medical Center for said records. See copy

of check and check stub attached hereto as Exhibit "B".

11. On or about October 26, 2010, I mailed a letter to Robert Wood Johnson Medical Center stating that we had not yet received a copy of their records despite payment of same almost two months prior. See correspondence attached hereto as Exhibit "B".

12. A copy of Robert Wood Johnson Medical Center's records was received by my office on November 1, 2010. See correspondence attached hereto as Exhibit "B".

13. A true and accurate copy of an anesthesia follow up note dated January 13, 2010 authored by Dr. Barsoum is attached hereto as Exhibit "C".

14. A true and accurate copy of a notice of claim and cover letter dated August 9, 2011 is attached hereto as Exhibit "D".

WHEREFORE, it is respectfully requested that defendants' motion be denied and the instant cross-motion be granted in its entirety.

Dated: August 11, 2011

AMABILE & ERMAN, P.C.  
Attorney for Plaintiff



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